

Faculty Response to BOT Proposal

March 1, 2018

Faculty recently learned of a proposed BOT policy change that has the potential to affect tenure at UT radically. The proposal (quoted in full below) dramatically expands a current and recently approved policy on Enhanced Post-Tenure Review (EPPR) without justification or explanation. The proposal begins by affirming “the importance of tenure in protecting academic freedom and thus promoting the University’s principle (sic) mission.” However, faculty are concerned that in practice this new policy would seriously erode tenure, with negative consequences for our students, our ability to recruit top-level faculty, and our national rankings and reputation.

Our concerns about the proposal fall under two main categories:

Procedural concerns

- The process for generating the proposal deviated substantially from the norm for changes to the faculty review process. It also differs markedly from the approach recently taken to reform post-tenure review: there has been no formative faculty engagement or consultation, nor any meaningful reference to best practices at peer institutions.
- The irregularity of the process has resulted in hasty drafting and vague language, including references to “comprehensive peer review” and “under-performing” programs, that are open to a variety of interpretations.
- The process includes no articulation of a rationale or policy objective for changing the current rules or for the specific contents of the proposal.
- The process demonstrates a new, more direct and invasive role for the BOT in campus affairs. It contravenes shared governance, disregards educational expertise, flouts basic requirements of our SACS accreditation, and may therefore represent a breach of the board’s fiduciary duty to act in the university’s best interest.

Potential negative consequences

- The proposal rolls back policy changes for post-tenure review that the board only just adopted following a constructive, collaborative process involving university and campus administration and faculty. Post-tenure review was developed to ensure that faculty are held to rigorous standards of achievement and accountability throughout their careers; the new ELEMENTS system provides consistent, university-wide standards for yearly faculty evaluations. Would Board-initiated reviews replace approved EPPR policy or add another layer to it?
- Whether in addition to or instead of EPPR, the proposal jeopardizes faculty ability to serve students and to pursue research by requiring multiple, overlapping post-tenure assessments. This will distract campus administration and faculty from the university’s educational mission.
- The proposed policy’s incursions on tenure would have serious, negative consequences for UT’s national reputation, and potentially negative repercussions on the value of a UT degree. It may harm our ability to recruit top faculty and administrators.

- Adoption of the proposed policy could constitute or precipitate a violation of normative standards for academic freedom as well as the terms of our SACS accreditation, which require that the governing board “ensure a clear and appropriate distinction between the policy-making function of the board and the responsibility of the administration and faculty to administer and implement policy” and that the board “protect the institution from undue influence by external persons or bodies.”
- The proposed policy does not reflect best practices at peer institutions and is extraordinary; the American Association of University Professors, the professional organization most expert on higher education policies and procedures, claims never to have seen a policy like this one.

We have two additional concerns:

1. The proposal is being made concurrently with a legislative attempt to dismantle the current Board, shrink its size, and ban students, faculty, and employees in higher education from serving on it.
2. Institutional adoption of EAB software has been made without the knowledge or input of most members of our campus community. We are concerned about the role this algorithm-driven assessment tool might play in academic program reviews and, as a result, post-tenure faculty reviews under the proposed policy.

Full text of proposed policy change:

“The Board of Trustees recognizes and affirms the importance of tenure in protecting academic freedom and thus promoting the University’s principle mission of discovery and dissemination of truth through teaching, research, and service. The Board also recognizes its fiduciary responsibility to students, parents, and all citizens of Tennessee to ensure that faculty members effectively serve the needs of students and the University throughout their careers. Therefore, in addition to the three circumstances listed above that will trigger an Enhanced Post-Tenure Performance Review of a tenured faculty member, the Board, pursuant to a duly adopted resolution, may require the President to establish procedures under which a comprehensive peer review shall be conducted of all faculty members, both tenured and non-tenured, in an academic program that has been identified as under-performing through an academic program review process. In addition, the President shall establish, with Board approval, procedures for every tenured faculty member at a campus to receive a comprehensive peer review no less often than every six years. The procedures for this periodic review shall provide for appropriate staggering of reviews to avoid excessive administrative burden at any given time.”